

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANE DOE, JOHN DOE, JAN DOE, JAMES)
DOE, AND JANET DOE, individually and on)
behalf of all others similarly situated,)
)
Plaintiffs,)
) Civil Action No. 1:25-cv-10445-RGS
v.)
)
CAPE COD HEALTHCARE, INC.,)
)
Defendant.)
)

DEFENDANT CAPE COD HEALTHCARE, INC.'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Cape Cod Healthcare, Inc. (“CCHC”) asks this Court to dismiss the Electronic Communications Privacy Act (“ECPA”) claim in Plaintiffs’ Amended Complaint with prejudice because Plaintiffs fail to state a claim upon which relief can be granted. The facts and arguments supporting this Motion are set forth in the accompanying Memorandum.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), CCHC requests oral argument on this motion.

Respectfully submitted,

CAPE COD HEALTHCARE, INC.,

By its attorneys,

/s/ Adam J. Bookbinder

Adam J. Bookbinder (BBO No. 566590)

Samuel N. Rudman (BBO No. 698018)

Mark McPherson (BBO No. 698465)

April C. DeLuca (BBO No. 709101)

CHOATE, HALL & STEWART LLP

Two International Place

Boston, MA 02110

Telephone: 617-248-5000

abookbinder@choate.com

srudman@choate.com

mmcpherson@choate.com

adeluca@choate.com

Dated: March 17, 2025

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Adam J. Bookbinder, do hereby certify that counsel for Defendant has conferred with counsel for the Plaintiffs in a good-faith attempt to resolve or narrow the issue presented by this motion, but the parties were unable to resolve the issues in this motion.

/s/ Adam J. Bookbinder
Adam J. Bookbinder

Dated: March 17, 2025

CERTIFICATE OF SERVICE

I, Adam J. Bookbinder, do hereby certify that on this 17th day of March, 2025, I caused the foregoing document to be filed through the ECF system and to be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and to be served via electronic mail upon counsel of record for the Plaintiffs.

/s/ Adam J. Bookbinder
Adam J. Bookbinder

Dated: March 17, 2025